

ORDINANCE NO. 3787

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING PROVISIONS OF TITLE 20 ECDC RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS TO ALLOW CLOSED RECORD ADMINISTRATIVE APPEAL OF PRELIMINARY PRD DECISIONS AND TO ELIMINATE OVERLAP OF PERIMETER BUFFERS AND SETBACKS FOR EXTERIOR LOT LINES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, preliminary planned residential development (PRD) decisions are issued by the Hearing Examiner upon recommendation by the Architectural Design Board on site and building designs; and

WHEREAS, the City Council wishes to afford the opportunity for closed record appeals on preliminary PRD decisions issued by the hearing examiner; and

WHEREAS, the City Council wishes eliminate ambiguity on whether setbacks for exterior lot lines and perimeter buffers can overlap; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby makes the findings as set forth in the "WHEREAS" clauses, which are adopted and incorporated herein by this reference in support of this interim Ordinance.

Section 2. Amended. Subsection ECDC 20.01.003(A) of the Edmonds Community Development Code and previously adopted interim ordinance amending the same, are hereby amended to read as follows:

A. Decisions.

TYPE I	TYPE II	TYPE III-A	TYPE III-B	TYPE IV-A	TYPE IV-B	TYPE V
Statement of zoning restriction	Modification to landscape plans	Plat vacations and alterations	Essential public facilities	Final formal plats	Site specific/contract rezone	Development agreements
Boundary line adjustments, lot line adjustment, lot combination	Formal interpretation of the text of the ECDC by the director or designated staff		Architectural design board review	Final planned residential development		Zoning text amendments; area-wide zoning map amendments
Permitted uses not requiring site plan review	Home occupation permit	Site plan/major amendments to site plans	Shoreline substantial development, shoreline conditional use, shoreline variance			Comprehensive plan amendments
Special use permits	Accessory dwelling unit		Conditional use			Annexations
Minor amendments to planned residential development	SEPA determinations		General variances and sign permit variances			Development regulations
Minor preliminary plat amendment	Revisions to shoreline management permits		Draft environmental impact statement			Master plan
Staff design review	Administrative variances		Preliminary formal plats			
Sign permits	Preliminary short plats		Preliminary planned residential development			
Final short plats	Land clearing / grading					

Section 3. Amended. Subsection 20.35.080(A)(4) of the Edmonds Community

Development Code is hereby amended to read as follows:

4. The Public Hearing with the Hearing Examiner. The hearing examiner shall review the proposed PRD for compliance with this section as a Type III-B decision.

If, after all appeals are exhausted, the proposal is denied, a similar plan for the site may not be submitted to the development services department for one year. A new plan which varies substantially from the denied proposal, as determined by the development services director, or one that satisfies the objections stated by the final decision-maker may be submitted at any time.

An applicant who intends to subdivide the land for sale as part of the project shall obtain subdivision approval in accordance with Chapter 20.75 ECDC before any building permit or authorization to begin construction is issued, and before sale of any portion of the property. The preferred method is for the applicant to process the subdivision application concurrently with the planned residential development proposal.

Section 4. Amended. Subsection 20.35.050(C)(2) of the Edmonds Community

Development Code is hereby amended to read as follows:

2. Provide a landscape buffer, open space or passive use recreational area of a depth from the inner boundaries of exterior property line setbacks at least equal to the depth of the rear yard setback applicable to the zone. If such a buffer is provided, interior setbacks may be flexible and shall be determined pursuant to ECDC 20.35.030. When the exterior property line abuts a public way, a buffer at least equal to the depth of the front yard required for the underlying zone shall be provided.

Section 5. Public Hearing. As required by RCW 35A.63.220, this interim Ordinance shall expire six months from the date of adoption, unless sooner repealed or subsequently extended by act of the City Council. In the meantime, as further required by

RCW 35A.63.220, the City Clerk is directed to schedule a public hearing on this ordinance within sixty (60) days of its adoption. The City Council may in its discretion adopt additional findings in support of this interim Ordinance at the conclusion of the public hearing. The Planning Board is required to make a recommendation on the final version of this ordinance to be adopted by the City Council prior to its expiration.

Section 6. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington Department of Community, Trade, and Economic Development as required by law.

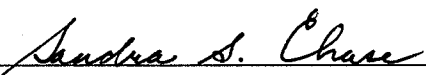
Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this interim Ordinance.

Section 8. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	04-02-2010
PASSED BY THE CITY COUNCIL:	04-06-2010
PUBLISHED:	04-11-2010
EFFECTIVE DATE:	04-16-2010
ORDINANCE NO. <u>3787</u>	

SUMMARY OF ORDINANCE NO. 3787

of the City of Edmonds, Washington

On the 6th day of April, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3787. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING PROVISIONS OF TITLE 20 ECDC RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS TO ALLOW CLOSED RECORD ADMINISTRATIVE APPEAL OF PRELIMINARY PRD DECISIONS AND TO ELIMINATE OVERLAP OF PERIMETER BUFFERS AND SETBACKS FOR EXTERIOR LOT LINES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of April, 2010.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3787

of the City of Edmonds, Washington
On the 6th day of April, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3787. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING PROVISIONS OF TITLE 20 ECDC RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS TO ALLOW CLOSED RECORD ADMINISTRATIVE APPEAL OF PRELIMINARY PRD DECISIONS AND TO ELIMINATE OVERLAP OF PERIMETER BUFFERS AND SETBACKS FOR EXTERIOR LOT LINES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of April, 2010.

Published: April 11, 2010. CITY CLERK, SANDRA S. CHASE

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3787

Interim Ordinance

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

April 11, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Enoll

Principal Clerk

Subscribed and sworn to before me this

12th

day of April, 2010

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

APR 28 2010

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001691693

